

## HB29 County Recorder Index Amendments

### *Resolving Conflict / Securing a Future*

#### What is Behind this Bill?

The concept in this bill was proposed by the Executive Water Issues Task Force as a measure to help research water rights on recorded deeds. The task force unanimously supports the bill. The proposal was presented to county recorders since provisions of the bill would be implemented by the counties. The Utah Association of County Recorders voted to support the bill.

#### What are the Issues?

Water rights transfer by deed in substantially the same manner as real estate. Appurtenant water rights transfer silently with land deeds. Water rights may also be specifically reserved or conveyed in land and water right deeds. Although the Division of Water Rights is often thought of as the water right record repository, the office of record for all deeds is the county recorder. Ownership records of the Division of Water Rights are updated from those deeds when the Division is provided a Report of Water Right Conveyance (ROC). Typically water right deed research is necessary to prepare a ROC. Some counties, recognizing the need for water right deed research are already maintaining an index of water right deeds but it is not currently required by statute. This bill would make creating the index for all future deeds with water right numbers mandatory but does not require any retroactive indexing. As land development continues in Utah and water becomes more valuable it is anticipated the practice of conveying water rights specifically in deeds will increase and the water right deed index will be a great resource for citizens of the state.

—Published February 14, 2014

